

REMARKS

This is intended as a full and complete response to the Restriction Requirement dated May 19, 2006, having a shortened statutory period for response set to expire on June 19, 2006. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-31 are pending in the application and remain pending following entry of this response.

Claims 1-31 stand restricted under 35 U.S.C. 121 as follows:

Group I. Claims 1-16 and 20-28, drawn to a method, classified in class 156, subclass 272.2.

Group II. Claims 17-19, drawn to a formulation, classified in class 525.

Group III. Claims 29-31, drawn to a structure, classified in class 438.

The Examiner states that:

"Inventions II and I are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the product as claimed can be used in a materially different process of using that product such as curing the partially curing the formulation by treating the formulation with radiation but not treating with heat.

Inventions I and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f). In the instant case the product as claimed can be made by another and materially different process such as curing a non-cationically curable composition.

Inventions III and II are related as product and composition to be used in the method of making the product. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the composition

to be used in the method of making the product can be used in another and materially different product, or (2) the product as claimed can be made with another composition. In the instant case the composition to be used in the method of making the product can be used in another and materially different product such as bonding two substrates together, wherein neither substrate comprises an electronic device.”

Applicants provisionally elect, with traverse, the claims of Group I (claims 1-16 and 20-28) for examination.

There are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) The inventions must be independent; and (B) There must be a serious burden on the examiner if restriction is required. (MPEP § 803). Applicants submit that the Examiner has not properly established or satisfied the criteria for a proper requirement for restriction.

First, Applicants submit that the Examiner has not established that the inventions are independent. Specifically, regarding the restriction of Inventions II and I, the Examiner states that “the product as claimed can be used in a materially different process of using that product such as curing the partially curing the formulation by treating the formulation with radiation but not treating with heat.” In fact, claim 20 recites “a thermal initiator, wherein the formulation is curable with radiation...and with heat to generate a first active curing agent...and a second active curing agent...” Therefore, the Examiner's characterization of the product as claimed is incorrect. Therefore, Applicants submit that the restriction requirement is improper and respectfully requests withdrawal of the restriction requirement.

Regarding the restriction of Inventions I and III the Examiner states that “the product as claimed can be made by another and materially different process such as curing a non-cationically curable composition.” In fact, claim 1 (Invention I – process of making) does not recite a cationically curable composition. Therefore, making a product with a process including “curing a non-cationically curable composition” is not materially different from claim 1. Since claim 1 cannot be restricted from the claims of Invention III, and since the Examiner does not restrict claim 1 from claim 20, it follows that the

claims of Invention III cannot be restricted from the claims of Invention I. Therefore, Applicants submit that the restriction requirement is improper and respectfully requests withdrawal of the restriction requirement.

Regarding the restriction of Inventions III and II the Examiner provides no citation to the MPEP for support of such a restriction and Applicants are unable to independently locate any support. Therefore, Applicants submit that the restriction requirement is improper and respectfully requests withdrawal of the restriction requirement.

The Examiner further states:

“Additionally, this application contains claims directed to the following patentably distinct species:

Species A: wherein a thermal initiator and a photoinitiator are both acids.

Species B: wherein a thermal initiator and a photoinitiator are both bases.

If applicant elects Species A, applicant must further elect between the following sub-species:

Sub-Species A1: wherein the photoinitiator consists of onium salts.

Sub-Species A2: wherein the photoinitiator consists of photodecomposable organosilanes.

Sub-Species A3: wherein the photoinitiator consists of iron arene compounds.

The species are independent or distinct because the species are mutually exclusive from each other.”

Respectfully, Applicants point out that the claims do not recite that the thermal initiator and the photoinitiator are both acids or both bases, as suggested by the Examiner. The actual recitation (and teaching of the specification) is that first and second curing agents are formed and are preferably both bases or acids. On this basis alone the restriction is improper and Applicants respectfully requests withdrawal of the restriction requirement.

Further, Applicants assert that claim 1 is generic since it is generic with respect to the thermal initiator and the photoinitiator and there is no basis for suggesting that either component is an acid or a base prior to activation to form curing agents.

Applicants provisionally elect, with traverse, Species A and Subspecies A1 and submit that claims 1-6, 8, 10, 13-31 are readable thereon.

Again, Applicants submit that the restriction requirement is improper and respectfully requests withdrawal of the restriction requirement.

Having addressed all issues set out in the Restriction Requirement, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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